

SUPPLEMENTARY STATEMENT OF DAVID W. BELIN CONCERNING
ACOUSTICAL EVIDENCE

On March 9, 1977, I wrote Congressman Louis Stokes, Chairman of the House Select Committee on Assassinations, and requested that I have an opportunity to appear before the entire committee in an open public hearing where I would be happy to answer any questions put to me. I also said that I thought I might have some constructive suggestions that I might offer to facilitate the investigation and sent copies of my letter to all of the other members of the committee. Congressman Stokes did not respond.

In July 1978, Michael Ewing of the committee staff called and said they wanted me to come to Washington to give a deposition before members of the staff. I told him I would prefer to testify before members of the committee; in any event, I said, I wanted my testimony to be in an open, public hearing. On August 10, Ewing called and said the chief of the committee staff, G. Robert Blakey, turned down the request.

Meanwhile, the committee began an orchestrated set of public hearings and called Robert Grodin to testify on the opening day. When I learned of this, I wrote Blakey and again requested an opportunity to appear before the committee in a public hearing. I said that if the committee refused to do this, I wanted to know whether the committee would let the press be present if I gave a deposition. Blakey said all depositions would be taken in secret. I never appeared.

Several aspects of the investigation of the House committee were well done. The staff independently verified that Oswald killed Tippit. Blakey brought together medical experts who determined that the bullet that passed through Kennedy's neck struck Connally, and caused all of his wounds. "Neutron-activation analysis" tests were performed on the bullet fragments from Connally's wrist and the nearly whole bullet that fell off his stretcher; these tests corroborated the single-bullet findings of the Warren Commission. And the committee determined that the shots that struck Kennedy came from Oswald's rifle.

After the public hearings, the House staff completed work on the initial draft of the report. Its findings: Oswald was the lone gunman who killed Kennedy and wounded Connally, and Oswald killed Tippit. There was no conspiracy, the committee concluded.

But then everything changed because of a staff theory based on so-called acoustic evidence from a Dictabelt recording of channel 1 of the Dallas Police Department radio system as it transmitted on the afternoon of November 22, 1963. The Dallas Police Department had two radio channels: channel 1 for regular police communications and channel 2 for communications to and from the presidential motorcade. An ordinary listener to the tapes cannot hear any gunshots. However, the House Select Committee on Assassinations retained an acoustic expert who asserted that, based on interpretations of oscillating waves on scientific instruments, one could conclude that certain wave patterns meant gunshots. The initial expert retained by the committee asserted there was a fifty-fifty possibility that the recorded sounds indicated a fourth gunshot and that this was just as unique as a fingerprint because it was a composite of the sounds that included the reverberations from the buildings surrounding Dealey Plaza in Dallas.

Since no other evidence indicated the presence of a second gunman, the House committee did not believe that a fifty-fifty possibility was enough to lead it to any conclusions. Accordingly, the draft of the final report had no indication of any conspiracy.

Then, in the middle of December 1987, Blakey brought forward two additional acoustic experts: Mark Weiss and Ernest Aschkenasy. They said they were 95 percent certain that the oscillating waves from the Dictabelt indicated the presence of a second gunman firing a fourth shot from the grassy knoll.

Members of the committee staff said the tape came from a stuck microphone on the motorcycle driven by Dallas police officer H. B. McLain, and they called McLain to Washington to testify at the time of the report from the first acoustic expert. McLain said he had not heard the tape prior to his testimony to determine whether the noises on the tape were what he remembered hearing at the time of the assassination. On the tape there are no noises of the police sirens turning on right after the assassination as the motorcade sped to the hospital. Nor are there any sounds of the motorcycles being revved up as the motorcade accelerated for the high-speed trip to Parkland Memorial Hospital. On the other hand, the tape records chimes, and there were no chimes in the vicinity of Dealey Plaza. It also contains the sound of sirens approaching, approximately two minutes after the supposed recording of the shots, and then the sound of sirens receding, as if the motorcycle with a stuck microphone were at a point along the freeway that the motorcade passed on its way to the hospital.

After McLain heard the tape, he stated, "It just couldn't be me. There was no way my mike was stuck." However, the House committee refused to call McLain back.

The committee staff failed to call key witnesses, and the questioning of the witnesses they did call left much to be desired. McLain was never asked whether he had his motorcycle's siren on all the way to Parkland Memorial Hospital. Certainly the noise of his siren would have been recorded if his microphone had been stuck on. Los Angeles Times reporters Jerry Cohen and Mike Goodman did ask McLain the question. They wrote:

McLain said if he had been asked if he immediately turned on his siren after he heard gunfire, his response would have been yes. He said he kept his siren on all the way to Parkland Hospital and, if he had been the supposed open mike in Dealey Plaza, his siren would have drowned out all other sounds on the Dictabelt.

Asked why McLain was not asked the question, Chief Counsel Blakey said: "I don't know."

McLain also said he was never asked to listen to the recording of both channels 1 and 2 while in Washington. He said that when he listened to both on his return to Dallas, he recognized nothing on channel 1. Conversations and events were familiar to him on channel 2, however, meaning that he was tuned to channel 2 at the time of the assassination.

Asked why McLain did not listen to the recording of both channels before or during his testimony, in the interest of verification, Blakey replied: "He never asked to."

There were other examples of the failure of the staff to bring key witnesses to the attention of the committee, where those witnesses might refute the conspiracy bias of Blakey and his subordinates. Dallas Police captain J. C. Bowles, who originally transcribed the Dallas Police radio tape for the Warren Commission, claimed that the motorcycle with the stuck microphone was not even in Dealey Plaza at the time of the gunfire but was sitting approximately two miles away. When he heard of the conspiracy findings of the House Assassinations Committee, he publicly stated he had informed a committee investigator the previous summer that he "could refute" the committee's acoustic evidence. He was never called to Washington to testify.

On December 29, 1978, the House Select Committee on Assassinations published its "Summary of Findings and Recommendations." The committee unanimously concluded, as did the Warren Commission, that it was Lee Harvey Oswald who fired the shots that struck Kennedy and Connally.

But a majority of the committee, primarily on the basis of the purported acoustical evidence, further concluded that there was an unseen second gunman standing approximately 125 feet away in an area known as the grassy knoll who supposedly fired a single shot from close range at Kennedy. The claimed shot missed Kennedy and even missed the large presidential limousine. Nevertheless, if true, it meant there was a conspiracy in the assassination.

Ultimately, the acoustical evidence was proven to be false and the position of the committee minority was vindicated. The chronology underlying the major error of the second-gunman conspiracy theory was summarized in the dissenting views by Congressman Robert Edgar:

I agree with the December 13, 1978, first draft of our final report which states on page 64:

The committee finds that the available scientific evidence is insufficient to find that there was a conspiracy to assassinate President Kennedy.

Up to that moment in the life of the committee, we were prepared to go to the American people with this conclusion. Only after the report of Mark R. Weiss and Ernest Aschkenasy, in the 11th hour of our investigation, was the majority persuaded to vote for two gunmen and a conspiracy. I respectfully dissented.

The use of the term conspiracy does a disservice to the understanding of the American public. As was again noted in our draft report on page 51:

Supreme Court Justice Oliver Wendell Holmes defined conspiracy as "a partnership in criminal purposes." A conspiracy cannot said to exist unless evidence is found from which such a partnership may be inferred.

We found no evidence to suggest a conspiracy. We found no gunmen or evidence of a gunman. We found no gun, no shells, no impact of shots from the grassy knoll. We found no entry wounds from the front into any person, including President John Kennedy and Governor John Connally. We found no bullets or fragments of bullets that did not belong to the Oswald weapon. And we found little, if any, evidence of a partnership with Lee Harvey Oswald. Few credible ear-witness accounts back up the marginal findings of our acoustics experts....

I believe that Exhibit "A" will clearly demonstrate a rush to conspiratorial conclusions. You will note three sets of black letter findings. The first, in column 1 [which concluded there was no conspiracy], was presented to the committee for its consideration on Monday, December 18, 1978 [the date of the draft was December 13, 1978]. It was on that Monday that we met in executive session to discuss our findings and come to our final conclusions. It was also that Monday when Weiss and Aschkenasy [the 95-percent-sure acoustic experts] interrupted our session to share their final report. Less than two weeks later, on December 29, 1978, we met in public session to review the report finding....

I believe the Members of Congress did not have sufficient time or expertise to ask the tough questions. I believe the committee failed to properly consider how much weight to assign this evidence due to our own limitations of time and familiarity with the science. I believe we rushed to our conclusions and in doing so, overshadowed many important contributions which other aspects of our investigation will have on history. We did a great job up to the last moment, when in our focus on the acoustics, we failed to give proper weight to other findings of the investigation. (Report, Select Committee on Assassinations, pages 495-498.)

Congressman Edgar, of course, was right.

Congressman Harold Sawyer of the House Assassinations Committee also dissented. In addition to the reasons outlined in Edgar's dissent, Sawyer wrote:

The tape, or more properly, the dictabelt which is the basis of the expert acoustical testimony is now 15 years old, its chain of custody is less than certain and it has been played a wholly indeterminate number of times. To the unaided ear, the dictabelt appears to contain only the noise of a motorcycle, at one point the faint noise of sirens and at another the faint ringing of chimes. Nowhere on it is there any noise or series of noises even suggesting gunfire. No acoustical expert has testified that even his trained ear had detected such. All of the acoustical expert opinions are based upon the tape or print-out of a computer showing three groupings of oscilloscope-like stylus amplitude markings which remain after the filtering out of the motorcycle noise from the dictabelt. The acoustical experts acknowledged that because of the "cutoff point" of a radio transmitter, the full amplitude of loud sounds would not have been transmitted to and recorded on the dictabelt. For this reason, Dr. James E. Barger, the committee's initial acoustical expert was unable to say with either certainty or any degree of conviction whatever, that the bursts of amplitude shown on the computer tape were in fact, either gunshots or even sounds similar to gunshots....

The officer who has been identified by the committee staff as the rider of the motorcycle on which the stuck transmitter was located has testified that he was in fact guarding the correct channel, namely channel 2, and denies that he was equipped with the stuck transmitter.

The same officer, together with other police officials located near the presidential limousine at the time the shots were fired in Dealey Plaza all agree that sirens were activated, and motorcycles and other vehicles were subjected to emergency acceleration within not more than a few seconds following the shots having been fired. No change in the rhythm or intensity of the motorcycle noise appears anywhere on the relevant Dictabelt. There is no audible sound even

resembling sirens until a full two minutes following the last of what is interpreted by the acoustical experts as the shots. When this faint noise of sirens first becomes audible, approximately two full minutes following the so-called shots, they seem to be approaching, cresting, and then receding. These several facts would, therefore, be more consistent with the transmitter being situated on a motorcycle located somewhere between Dealey Plaza and Parkland Hospital, which motorcycle would incidentally have been properly guarding channel 1.

As stated earlier, the dictabelt also contains the faint sound of chimes. Despite a search by our staff and despite a wide ranging check with others who were familiar with the Dealey Plaza area and environs 15 years ago, no chimes have been discovered or were found to have existed 15 years ago which were audible in Dealey Plaza. On the other hand, they located one set of known chimes which were regularly used and did exist 15 years ago and do now exist in the area between Dealey Plaza and Parkland Hospital.

The committee report tried to find an excuse for there being no sounds of sirens, but it did not say anything about the absence of the noise of the motorcycles revving up.

Sawyer, a trial lawyer, added:

It would appear to me that there are far too few, if any, established or verifiable facts in this entire acoustical scenario....As a committee, we were presented with the expert acoustical testimony which I have described by three experts who were all in agreement with each other, one of whom had somewhat inexplicably drastically modified his earlier testimony to conform with that of the other two...an exercise in simple mathematics.

After the completion of the Report of the House Assassinations Committee, there was much controversy. Accordingly, the National Research Council, under a grant from the National Science Foundation, assembled acoustic experts to determine the reliability of the assertions of the experts retained by the House Assassinations Committee.

The new panel became known as the Committee on Ballistic Acoustics of the National Research Council. It was chaired by Norman F. Ramsey, Higgins Professor of Physics at Harvard University. Included on the committee were other Ph.D.s from the University of California, Massachusetts Institute of Technology, Princeton University, Columbia University, and several research centers of major American Corporations such as Bell Telephone Laboratories, Xerox, Trisolar Corporation, and IBM, plus an expert from the Firearms National Laboratory Center of the Department of the Treasury.

All possessed impressive scientific capabilities that enabled them to conclude accurately that the acoustic experts who testified before the House Assassinations Committee were wrong.

But there was a second independent basis that also proved the point. That basis was supplied by Steve Barber, a musician, who wrote the committee that he was convinced from his own listening that there were clear instances in which phrases recorded on the channel 2 tape were distinctly audible on the channel 1 tape. It was a common-sense approach and could be readily explained if one were to assume that there were two police motorcycles together and that the motorcycle with a stuck microphone would pick up the sounds that

were emanating from the loudspeaker from the other nearby motorcycle, which was tuned to the other police channel.

Indeed, when the experts followed Barber's suggestions, they found that this is exactly what happened. There were a number of instances in which both kinds of cross-talk were clear, and the experts were able to match sections on the two channels. It turned out that the portion of the tape where the House committee's experts claimed oscillating waves indicated gunshots actually contained talk that occurred at least one minute after the time of the assassination. (Nowhere on the tape are there any sounds of gunshots.)

On May 14, 1982, the Committee on Ballistic Acoustics of the Commission on Physical Sciences, Mathematics and Resources of the National Research Council issued a 96-page report in which it unanimously concluded there was no basis for a claim of a second gunman firing from the grassy knoll. The committee said:

The acoustic analyses do not demonstrate that there was a grassy knoll shot, and in particular there is no acoustic basis for the claim of 95% probability of such a shot.

The acoustic impulses attributed to gunshots were recorded about one minute after the President had been shot and the motorcade had been instructed to go to the hospital.

Therefore, reliable acoustic data do not support a conclusion that there was a second gunman.

How did the House Committee get led astray in the first place? There are two major factors:

1. Almost all the investigation and hearings of the committee were conducted behind closed doors. The press did not have an opportunity to review and report what was taking place over the 20-month multimillion-dollar investigation, except for some orchestrated public hearings in the fall of 1978.

2. The House Select Committee on Assassinations relied too heavily on its staff. It was the staff that led the committee majority to its erroneous second gunman conclusion.

After the summary of the final report of the committee was released, I wrote an article for the National Review entitled "The Second-Gunman Syndrome." Blakey read it and wrote a letter to the editor, which was published together with my reply. Blakey then prepared another rebuttal. For space reasons, the National Review did not publish this final exchange but allowed the readers to obtain copies if they so desired. William Buckley, Jr., did add an editor's note stating that "we cannot foreswear to give our own conclusion that Belin has the better of the argument, i.e., that John F. Kennedy did, on November 22, 1963, die as a result of the firing of a rifle by Lee Harvey Oswald, who acted, that day in Dallas, alone."

In his rebuttal, Blakey wrote:

"The Department of Justice has announced [New York Times January 6, 1980] that it is going to verify the acoustics testing done by the House Assassinations

Committee. I assume it will be done with competency and integrity. If so, I will abide by its results. If it indicates that there is not a 95% probability that there was a gunshot from the grassy knoll, I will write a letter to the Review and withdraw all that I have said. . . ."

The National Science Foundation's study was done by the Committee on Ballistic Acoustics of the National Research Council. It was composed of experts. That report made it clear that not only was there "not a 95% probability that there was a gunshot from the grassy knoll" but that as a matter of fact there is absolutely no probability at all.

I am still waiting for Professor Blakey to "write and withdraw all that I have said."

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